



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 6 2013

OFFICE OF
AIR AND RADIATION

Mr. Darin Johnson
12825 Alondra Blvd.
Norwalk, California 90703
United States

Subject: Freedom of Information Request, EPA-HQ-2018-001869

Dear Mr. Johnson:

This is in response to your Freedom of Information Act (FOIA) request received on November 22, 2017. You requested the release of AECD (Auxiliary Emission Control Device) pages as submitted in 2018 applications for engine families of JGSCC.169PAL, JKYMC.163LKE, and JALPC.278SYM.

The AECD records in the above-mentioned applications are classified as confidential business information and may contain trade-secret or commercial or financial information and is withheld from disclosure under 5 USC § 552(b)(4) (FOIA's Exemption 4). Pursuant to 40 CFR § 2.204(d)(1) and 2.205(c), your request for these records is initially denied. There is no cost for the processing of your request.

As noted above, records or portions of records responsive to your request may contain trade secrets or commercial or financial information which is exempt from disclosure under 5 USC § 552(b)(4). Pursuant to 40 C.F.R. § 2.204(d)(1), these records or portions of records are initially withheld because further inquiry by EPA is required before a final determination can be made. If you are interested in EPA pursuing this confidential business information determination, please request a determination within 90 calendar days from the date of this letter and EPA will consult with the third party in connection with their business confidentiality claim covering these records. If you request a determination, confidentiality claims will be reviewed by the appropriate legal office, which will issue a final confidentiality determination. Once the legal office issues a final confidentiality determination, EPA will notify you whether the information qualifies for confidential treatment or may be released. You may request a determination through any of the channels described below for communicating an appeal or may do so in the same communication as an appeal.

This letter concludes our response to your request. As noted above, the information withheld under Exemption 4 will be reviewed by the appropriate legal office, which will issue a final

confidentiality determination. Therefore, you do not need to appeal the withholding of information under Exemption 4. Once the legal office issues a final confidentiality determination, EPA will notify you whether the information qualifies for confidential treatment or may be released. To the extent you would like to appeal any other issue, including any non-Exemption 4 withholdings, you may appeal this response by email at hq.foia@epa.gov or by mail to the National Freedom of Information Office, U.S. EPA, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue. If you are submitting your appeal by hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20004. Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter. Appeals received after 5:00 pm EST will be considered received the next business day. The Agency will not consider appeals received after the 90-calendar-day limit. The appeal letter should clearly identify the determination being appealed, including the assigned FOIA tracking number shown above. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked "Freedom of Information Act Appeal." Additionally, you may seek assistance from EPA's FOIA Public Liaison at hq.foia@epa.gov or (202) 566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail to the Office of Government Information Services, National Archives and Records Administration, Room 2510, 8610 Adelphi Road, College Park, MD, 20740-6001; email, ogis@nara.gov; telephone, (202) 741-5770 or (877) 684-6448; or fax, (202) 741-5769.

Sincerely,

A handwritten signature in black ink, appearing to read "Byron J. Bunker", with a long horizontal flourish extending to the right.

Byron J. Bunker, Director
Compliance Division
Office of Transportation and Air Quality